

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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**IN RE WESTERN STATES WHOLESALE
NATURAL GAS ANTITRUST
LITIGATION.**

MDL Docket No. 1566

Base Case No. 2:03-cv-01431-RCJ-PAL

THIS DOCUMENT RELATES TO:
ALL ACTIONS

ORDER

12 This matter is before the court on Defendants failure to respond to the court's Order (ECF
13 No. 2378) denying the Arandell Plaintiffs' Sealed Motion to Seal (ECF No. 2359)¹ without
14 prejudice and instructing the designating party (or parties) to file a memorandum of points and
15 authorities and any supporting declaration or affidavit to make a particularized showing as to
16 why certain documents should remain under seal. The Arandell Plaintiffs sought leave to file
17 under seal because counsel for Defendant CenterPoint Energy Services, Inc. designated certain
18 documents as confidential. The documents were referenced as Exhibit C in the Supplemental
19 Declaration of Ryan M. Billings (ECF No. 2358) filed in support of the Arandell Plaintiffs'
20 Motion to Supplement Briefing (ECF No. 2334). The court instructed the designating party (or
21 parties) to make a particularized showing on or before May 13, 2016. *See* Order (ECF
22 No. 2378). However, no response was filed and the deadline to do so has now expired. The

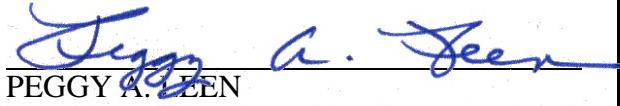
¹ The court notes that the Motion to Seal (ECF No. 2355) was erroneously filed under seal when *the motion itself* did not contain any confidential information—only the attached exhibits presented confidential information. If a motion to seal itself contains confidential information, the moving party may file a *redacted* motion to seal on the public docket and an *unredacted* motion under seal with the sealed exhibits. However, this practice is disfavored as litigants should attempt to meet their burden under *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006) without specific references to confidential information. For additional direction, the parties should review the December 24, 2015 Order (ECF No. 2257) addressing sealed filings and the CM/ECF filing procedures available on the court’s website, or contact the CM/ECF Helpdesk at (702) 464-5555.

1 parties were cautioned that if they failed to timely comply with the Order, the Clerk of the Court
2 would be directed to unseal the documents to make them available on the public docket.

3 Accordingly,

4 **IT IS ORDERED:** the Clerk of the Court shall UNSEAL the Motion to Seal (ECF
5 No. 2359) and its Exhibit C (ECF No. 2359-1).

6 Dated this 13th day of September, 2016.

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8 PEGGY A. TEETER
9 UNITED STATES MAGISTRATE JUDGE
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